

**MINUTES
VILLAGE OF LAKE PARK
PLANNING BOARD
3801 LAKE PARK ROAD, LAKE PARK, NC
APRIL 16, 2013**

Planning Board Members Present: Greg Crosby, John Ross and Bjarne Hansen

Council Representative: David Cleveland

Attorney: Ken Swain

Call to Order: Greg Crosby called the April 16, 2013 Planning Board meeting to order.

Pledge of Allegiance: Greg Crosby led the Pledge of Allegiance.

Approval of Minutes: Bjarne Hansen made the motion to approve the March 19, 2013 minutes as presented. John Ross seconded the motion. Vote – Unanimous.

Changes to the Agenda: Add: County Commissioner Meeting. John Ross made a motion to amend the agenda. Bjarne Hansen seconded the motion. Vote – Unanimous.

County Commissioners Meeting: Greg Crosby shared that David Cleveland gave an overview presentation to the Union County Board of Commissioners (BOC). David Cleveland provided the highlights of the Task Force, Steering Committee, Planning Board, Public Hearing and the adoption of the Unified Development Ordinance to the BOC. The Commissioners had very little discussion before adopting the resolution that allows for the transfer of land use regulatory authority from Union County to the VOLP. The action taken by the BOC permits the VOLP to begin its own enforcement of land use regulations on July 1, 2013.

David Cleveland welcomed Jonathan McDaniel to the meeting. Jonathan McDaniel has expressed an interest in filling the vacant seat on the Planning Board. The application process for the vacant seat is open until May 15, 2013.

Setting up Forms for Permits: Greg Crosby stated that he liked the user friendly forms that Benchmark sent for our review. Greg Crosby asked for feedback on the forms. Attorney Ken Swain stated that the forms open the door for discussions on whether the Village is going to be proactive and look for violations to the UDO or complaint driven. Both the Planning Board and the Board of Adjustments will need to recommend to Council procedures that we are going to utilize in conducting meetings. As far as Planning Board is concerned, Attorney Ken Swain will begin to reduce his presence. There is not a consensus with the legal community as to whether the Town Attorney can also serve as the Board of Adjustment (BOA) Attorney. Attorney Ken Swain is still looking into the matter. Some BOAs do not have an attorney present at the meetings and others do.

Attorney Ken Swain stated most of the smaller municipalities are complaint driven. David Cleveland stated that since we have a master HOA that encompasses the Village; it would be a duplication of work for the Village. The Village does not at this time have a Nuisance Ordinance. Attorney Ken Swain shared that some of the smaller municipalities that are complaint driven do not have an HOA which would necessitate from their end a Nuisance Ordinance. John Ross asked if we are going to be complaint driven. David Cleveland stated that it looks like at this point we may start out complaint driven. Some HOA Board members have expressed an interest in the Village taking over some of the HOA functions. The HOA can be subjective where the Village has to be objective.

Greg Crosby stated that the forms for the UDO permits that Benchmark submitted for our review, appears to cover the needs of the Village. John Ross made a motion to submit the forms in their current format to Council for approval. Greg Crosby seconded the motion. Vote – Unanimous.

John Ross asked if we have a Zoning Verification letter. After discussing the different types of letters needed in response to the different types of applications, the Planning Board decided that a basic form letter style could be used to address each type of request.

Greg Crosby requested feedback on the samples of the different styles of violation letters from Weddington and Indian Trail. In reviewing the violation letters, David Cleveland stated that the HOA uses a form letter for violations. After reviewing the two sample violation letters, the Planning Board decided to use a more personalized form letter model similar to the Town of Weddington's approach.

Code Enforcement Officer and Zoning Administrator Positions: David Cleveland presented options to Council at the April meeting to start thinking about whether the Village was going to be proactive or complaint driven. For the Budget Workshop next week, David Cleveland has budgeted \$10,000 for a part-time Code Enforcement Officer and \$10,000 for part-time Zoning Administrator. It is of financial benefit to the Village to be complaint driven. David Cleveland asked for Planning Board input. David Cleveland's recommendation would be for the Village to be complaint driven since there is no benefit to duplicating the HOA efforts. Greg Crosby stated that it makes sense to him for the Village to be complaint driven and it would also be the most cost effective since the HOA covers the entire city limits.

David Cleveland shared that we do not know how much time the Zoning Administrator position is going to take in order to address the needs of the Village. We will need to monitor the amount of time needed to fulfill the UDO guidelines. Cheri Clark has expressed an interest in the Zoning Administrator's position with contract support from Benchmark.

North Carolina House Bill 150: House Bill 150 has to do with what counties and municipalities can enforce in Zoning/Design & Aesthetic Controls.

"Building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms would not be allowed if the Bill

passes. If House Bill 150 passes, the VOLP and municipalities across state will have to amend their land use ordinances.

The next Planning Board needs to be advertised as both a Planning Board Meeting and a Board of Adjustments Meeting.

Setting Agenda for Next Month's Meeting: Items to be added – Changes to the Agenda, Council Liaison, Policies and Procedures for Planning Board and Board of Adjustments and Legal Council.

Adjourn: Bjarne Hansen made the motion to adjourn. John Ross seconded the motion. Vote – Unanimous.

Respectfully Submitted,

Cheri Clark
Clerk